

signees to maintain actions in their own names in certain cases took the same course.

Further time was granted the Committee on Commerce and the special committee having in charge the bills on Kapiolani Park lots.

## HOUSE.

There was a quite a wait at the opening of the House yesterday morning for the requisite number of members to constitute a quorum.

Rep. Loebenstein read a long report of the Committee on Public Lands, making various recommendations in regard to petitions and resolutions referred to that body. This was placed in the hands of the Printing Committee.

The following petitions and resolutions were then presented:

1. Kaai—\$1,000 for a bridge at Kapiolani, Hana, Maui.

2. McCandless—\$7,000 for a bridge at Laulu and \$3,000 for repairing the bridge at Kaupō.

3. Kaai—\$250 for enlarging the jail at Hana, Maui.

4. Kaai—\$150 for enlarging the jail at Hana, Maui.

All the above were referred to the Committee on Public Lands and Internal Improvements.

Rep. Achi gave notice of his intention to introduce the following:

"An Act to amend Section 21, Act 51 of the Laws of 1896, relating to persons exempt from taxes."

Rep. Achi introduced the following resolution:

"Resolved, That it is the sense of the House that the translation of important bills, except for franchisees asked for as well as private enterprises, be paid for as expenses of the House."

This evoked a great discussion and was finally referred to the Finance Committee.

Rep. Loebenstein propounded the following question to the Attorney-General:

1. Please state (a) by what constitutional or legal warrant the Executive Council appropriated the sum of \$10,000 for the expenses of the President's trip to Washington, D. C., U. S. A.?

2. Please state (a) The amount of money paid by the Board of Health for vaccine virus from October 1st, 1896 to October 1st, 1897? (b) Was this item included in the contract made by the Board of Health for drugs, etc. If not, why not? (c) Please state in detail amount of money paid for drugs and medicines at Oahu Prison from October 1st, 1896 to October 1st, 1897?

3. Please state (a) By what authority was the furnishing of the item last referred to let out by tender or contract? If not, why not? (b) Please state in detail the amount of money used for drugs and medicines by the Hilo Hospital? (c) Were such drugs and medicines purchased from the contractor for Board of Health supplies? If not, why not? (d) Please state price, quantity and nature of all drugs, medicines and chemicals purchased by Dr. Alvarez while on his recent trip abroad as a delegate to the Berlin Leper Congress, for the Board of Health? (e) Why were the anti-toxins used by the Board of Health purchased from others than the contractors to furnish such goods to the Board of Health? (f) Does not the Republic of Hawaii (through its authorities) let out by bid or tender the contract for furnishing the Queen's Hospital with groceries, poi, rice, fish, etc.? (g) Is the contract for furnishing said Hospital with drugs, medicines chemicals and pharmaceutical preparations, let out by tender or bid? If not, why not? (h) Is the contract for drugs and medicines used by the enlisted soldiers let out by tender or bid? If not, why not?

4. Please state (a) By what authority was Dr. Alvarez of Honolulu, commissioned a delegate to the late Berlin Leper Congress? (b) Were his expenses as such delegate paid by the Republic of Hawaii? (c) If "yes," what constitutional or legal warrant existed for the payment of such expenses by the Republic of Hawaii? (d) Please state the amount expended by Dr. Alvarez. (e) Please state in detail, the items of such expenditure. (f) From what appropriation were Dr. Alvarez's expenses paid?

5. Please state (a) If Dr. F. R. Day was not recently sent to points in the Empire of China and to points in the Empire of Japan and at the expense of the Republic of Hawaii. (b) Please state what points in the Empire of Japan and in the Empire of China were visited by Dr. Day, and how long he remained at each point? (c) Please state in detail the items of expenditure by Dr. Day. (d) Please state from what appropriation or fund the expenses of Dr. Day were paid?

The Attorney-General asked that the question regarding the expenses of the President in the States, be withheld for two or three days as the President intended to make a detailed statement. Rep. Loebenstein refused, saying he was willing that the Attorney-General should be granted an extension of time in answering the questions.

Rep. Atkinson arose to criticize the taste of Rep. Loebenstein in propounding such a question. He asked the House to uphold him in condemning the action.

Rep. Loebenstein answered with a great deal of fire, accusing Mr. Atkinson of wandering about all the points of the political compass—from a Royalist to a Republican, then to an annexationist and tomorrow, back again to a Monarchist. He had brought in the questions in good faith. They were not his own but were handed him by someone to present to the Attorney-General.

Rep. Atkinson answered that the personal remarks of Rep. Loebenstein were in the same category as the questions just propounded and relating to the expenses of the President.

The Speaker ruled the questions propounded were out of order. Rep. Loebenstein appealed from this decision and then withdrew his appeal, stating that his intention in bringing in the questions had been to air the matter. He had succeeded in doing that and would let the matter rest.

Second reading of Senate Bill No. 8 relating to extension of streets in Honolulu. Passed.

House Bill 38, referred to the Finance Committee.

## ON HOUSE BILLS

### Senate Discusses Concurrent Measures.

#### More Questions Asked in the Lower Branch—Street Appropriations Asked.

## SENATE.

Twenty-third Day, March 16.

Senator Holstein presented a petition from residents and tax payers of North Kohala asking that \$3,000 be appropriated to build a road to the Government leased lands in the district. The petition was referred to the Committee on Public Lands and Internal Improvements.

The opium act and the act to provide the Oahu Railway with wharves were reported printed by Senator Rice who also reported appropriation bill 2.

The total of the bill as returned by the committee amounted to \$84,215.17.

Senator Lyman reported from the Judiciary Committee on the House bill relating to coroner's inquests.

Senator Brown of the Judiciary Committee reported on the message of the President relative to joint resolutions.

There was some discussion as to whether the report should be adopted or ordered printed and what would be the effect of adopting it. As the House had asked for a conference on the subject it was voted on motion of Senator McCandless to refer the report to the Committee on Rules to confer with the House committee. The opinion of the Judiciary Committee was that resolutions upon the action or course taken by the Executive should be joint, and as such an expression of the Legislature and not one branch thereof. If the practice resolved itself into the passage by only one member of the Legislative power of approval or disapproval, the Executive might receive one day a resolution from one branch condemning an action, and the next day one from the other branch recommending such action.

Senator Brown reported from the Judiciary Committee House bills relating to suspension of sentence, to the service of summons, to the finding of accused persons guilty of a lesser offense than that charged.

Senator McCandless gave notice of his intention of introducing an act to convert land at Aala into a public park.

Appropriation bill 3 for unpaid claims was taken up and the usual enacting clause passed and the bill as a whole passed second reading. Third reading was set for Tuesday. Senator McCandless had been petitioned to introduce an item of \$25 for back hire for the Band on New Year's Day, 1893. Minister Cooper stated that the bill was presented the first time some two weeks ago, and he believed that it was rather too late in the day for any firm to send in a bill for services rendered five years ago. No action was taken on the item.

On motion of Senator Brown the opium bill was read by title and was referred to a special committee of five members.

The Senate bill to provide the Oahu Railway with wharf land was read by title and referred to a special committee of three members.

The House bill relating to coroner's inquests was taken up, together with the report of the Committee recommending its passage. Senator Brown gave the history of laws on coroner's inquests. He explained that there was no change in the principle of the law. The amendment provides for the exercise of the discretion of the coroner in calling inquests and for the payment of \$2 a day to coroner's jurors. The report of the committee was adopted, passing the bill at second reading. It was set for third reading on Friday.

The substitute House bill relating to assault and battery convictions passed second reading on the adoption of the report of the committee and was set for third reading on Thursday.

The substitute House bill relating to the service of summons passed the second reading on the adoption of the recommendation of the committee. Third reading was set for Thursday.

The House bill relating to the suspension of sentence was taken up section by section, and provoked discussion. The committee believed that the act as reported is too sweeping. They made no recommendation as to the passage of the bill. The Attorney-General said that in actual operation the law had proved exceedingly beneficial. In the years 1894 and 1895 there were 393 suspensions and under them only 12 cases where sentence was imposed. In the last period there were 468 suspensions and only 22 sentences imposed under them. There were many cases where the convicted persons were not criminals at heart and the suspension of sentence prevented a repetition of the act. The act as introduced would distribute the responsibility.

The practical effect had been good. In any case there must be some discretion. Out of the many cases brought before the Magistrates some were brought in against people who would be benefited by the suspension of sentence. Criminals should be placed where they could not injure society. The whole object of law was to protect the community to prevent crime. If a man is a thief at heart he should be placed where he cannot steal. The Attorney-General believed that there was too much running to get out warrants. If the law failed the responsibility would be placed back on the prosecuting officers and the nolle prosequi.

Senator McCandless said in support of the bill that it appeared in operation to be like putting a man under bond to keep the peace and gave him a better chance to get out of the channels of misdemeanor.

Senator Baldwin said he believed in the principle of the law and it had not

been abused. The Supreme Court had ruled that the Circuit Court had the right of suspending sentence. This fact would make it appear that there was a probability that such power was constitutional.

The sections were passed separately and the bill passed as a whole on second reading. Third reading was set for Thursday.

On the motion of Senator Waterhouse to take up appropriation bill 4 without waiting for the loan bill, Senator Brown said he understood that the Cabinet was hesitating to bring in the loan bill to ascertain definitely whether or not the annexation treaty would be passed this session. That condition would change the need of the appropriation bill.

The Attorney-General said that the question of annexation was an element in the delay in bringing in the loan bill but there were items from the other Islands that were constantly coming in and changing the complexion of the bill.

Attention was drawn to the large balance in the treasury. Senator McCandless thought the balance was large enough and some of the public improvements should be paid for out of the surplus revenue now in the treasury instead of allowing the fund to increase. At present there was a surplus in the treasury of over \$300,000. The Senator was of the opinion that this money should be put in circulation so that the working people and the merchants could benefit by it. While the taxes were coming in there had actually been a stringency of the money markets, so much ready cash had been withdrawn from circulation.

The Attorney-General replied that the matter had been thoroughly discussed by the Executive. It had been decided that in the present political uncertainty a surplus should be kept in case annexation would be consummated and the revenues of the Customs Department and the Postal Bureau absorbed by the United States as the treaty provides.

The Senate decided to postpone further discussion. At 12 o'clock it was voted to adjourn without holding an afternoon session out of respect to the bereavement of Senator Schmidt.

## HOUSE.

At the opening of the House yesterday morning, Rep. McCandless asked for leave of absence of one day which was granted. Rep. Kaeo was excused until Monday. The Attorney-General asked for one more day for answering the questions of Rep. Loebenstein.

Rep. Wilder presented the following: Resolved, That for the benefit of the Public a road or a street should be opened from King street at a point where the old soap works stand, and to run in a mauka line and to meet with the new Vineyard street. Therefore, the sum of \$5,000 be appropriated for purchasing claims, etc.

Resolved, That whereas the road at Aala is one of the most miserable within the District of Honolulu. Therefore, that the sum of \$5,000 be appropriated for enlarging and repairing said road.

Petition—"The undersigned tax-payers and owners of all lands situate on the Asylum road, Kapalama, Honolulu, Oahu, respectfully represent as follows:

1. They eagerly desire that the Asylum road be widened (that is the road leading from the Reform School to the Insane Asylum) to 30 feet wide.

2. That electric lights be placed on the said Asylum road.

3. That \$10,000 be appropriated to liquidate the damages of land owners and other expenses of widening, together with the expenses of constructing electric lights.

The above resolutions and petition were referred to the Committee on Public Lands.

Rep. Kahanelelo propounded the following questions to the Minister of Foreign Affairs:

1. Please state why the Government recognizes no other claimant for damages except that of one English subject?

2. Please state if the English Government has made claim for any other of her subjects residing here, who were imprisoned or afterwards exiled during the revolution of 1895? If so, how many claims have been made, and who are the persons named? How much is demanded for each one of the claimants or is the demand in a lump sum? If so, how much is that sum?

3. Please state if the Government has compromised or settled with any person or persons that were in prison during the uprising of 1895? If so, what are their names and what did each party receive and when was payment paid?

4. Please state if the United States Government has officially dropped entirely all claims for damages for any of her subjects here, who were imprisoned or exiled during the revolution of 1895? If not, what are the names of those whose claims are made, and how much?

5. The Minister of Foreign Affairs has stated to this House once that Durrell's case has been dropped. Please state if the United States Government has officially dropped it.

The Speaker remarked that questions of a similar nature had already been propounded to the Minister of Foreign Affairs and an answer to the effect that replies along the line suggested would hardly be fit at the present time. Probably the same answer would be received to these questions.

Minister Damon stated that he was in favor of questions being asked by the members of the House. It was a good thing for the Government and also for the people. Each question propounded by a member should receive due consideration.

House Bill No. 18 to amend "An Act to consolidate and amend the law of evidence," passed third reading by a vote of 10 to 2. Atkinson and Wilder voting no.

Third reading of House Bill No. 32, defining highways. Passed unanimously.

House Bill No. 34 brought up in third reading and referred back to the Re-

vision Committee. This bill relates to the appointment of interpreters and stenographers, for certain Courts of the Republic. Rep. Pogue's amendment to have the District Magistrate of Wailuku admitted under this head was adopted.

House Bill No. 20, relating to the publication of reports of the decisions of the Supreme Court, passed second reading. Third reading set for today.

The answers of the Minister of the Interior to questions propounded by Rep. Loebenstein and dealing with road contracts on the Island of Hawaii, brought up for consideration.

Rep. Paris introduced the following: Resolved, That the Honorable Speaker of the House of Representatives appoint a committee of five members to investigate if the public funds have been expended according to law, in building roads and other public improvements, the awarding and accepting of contracts and that questions and answers of Rep. Loebenstein and Paris to the Minister of Interior in regard to road and road contracts be referred to this committee, said committee to be empowered to subpoena witnesses or other expenses necessary in the premises.

The resolution was adopted and the Speaker announced he would give the names of the committee later.

Proposed amendment to Article 63 of the Constitution passed first reading unanimously. Second reading set for Thursday.

House adjourned at 12 m.

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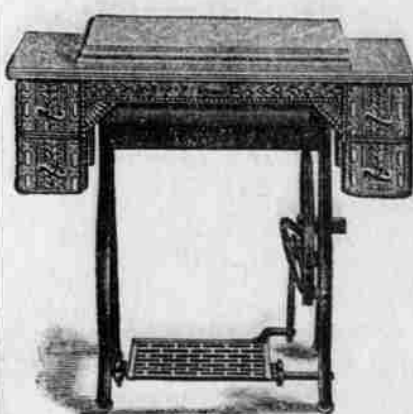
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